NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

What is +Lori Talking About?

Michael Sean Winters | Feb. 20, 2013 Distinctly Catholic

Archbishop William Lori, head of the USCCB?s ad hoc committee on religious liberty, sent a letter to Congress [1]urging support for increased conscience protections. I have no problem with increasing conscience protections. I have not been shy about saying the original iteration of the HHS contraception mandate was wrong and accusing the White House of being deaf to Catholic concerns. But, Archbishop Lori, who sometimes speaks as if he likes putting the ?arch? into ?archbishop,? has taken up a new argument against the latest revisions to the mandate and his argument makes no sense.

In his letter, he writes:

What seems to be at issue instead is a new, more grudging attitude in recent years toward citizens whose faith or moral principles are not in accord with the views of the current governing power. And while the mandate for coverage of abortion-causing drugs, contraceptives and sterilization is hailed by some as a victory for women?s freedom, it permits no free choice by a female employee to decline such coverage for herself or her minor children, even if it violates her moral and religious convictions.

I agree with the first half of the statement, about the ?grudging attitude? towards conscience rights that the administration evidenced not only in the mandate but in its now notorious brief in the Hosanna-Tabor case. It was precisely because of this grudging attitude that I thought it was so important for Catholics, and others, to make a stink when the mandate was first announced.

It should be clear by now, however, that the administration seems to have learned its lesson from the Hosanna-Tabor debacle and from the continued objections to narrow conscience exemptions not only, or even primarily, from the U.S. hierarchy, but from Catholics who are generally supportive of the administration. The changes in the rule announced on February 1 did not come out of thin air but were the result of intense lobbying from committed Catholics who did not want to see their Church and their President embroiled in endless controversy. And, as Bishop Robert Lynch recently wrote in evaluating the most recent changes, ?One would be hard put to find any other segment of the American public whose concerns about the Affordable Health Care Act have attempted to be dealt with than those of the Catholic bishops and other like-minded people on this very important matter.?

But, what about the second argument Archbishop Lori presents, the idea that women have no chance to ?decline? this coverage. This argument is of recent vintage. The idea seems to be that because the mandate requires that insurance companies provide the controversial coverage to women independently of the Catholic institution, somehow women are being ?forced? to accept it, and not just for herself but for her minor children. This raises the specter of Catholic parents with unruly teenage daughters chomping at the bit to get the pill. But, most kids are on their parents? plan, no? If the parents get the notification from the insurance company about the coverage, don?t leave it on the kitchen table for prying eyes. Besides, if any young woman wants to get the pill ? and remember, the Church teaches it is the contraception not the insurance that is wrong ? she can.

Who is being forced to do anything here? If the U.S. government builds a Veterans Administration Hospital, it does not mean that veterans can only use that hospital. It is there if they want it. When you purchase your internet service, you pay for a service that includes access to naughty sites, and given the way the worldwide web works, you can?t really ?decline? access to those sites. But, no one is forcing you to visit them. When you go to the lunch buffet, you can pass on the General Tso?s Chicken and go for the Chicken & Cashews, but if you pay the cashier, your money is funding both entrees. In short, I think this new argument from the USCCB is ridiculous.

For those interested in the weeds, here is the operative language of the proposed rule:

After receiving the certification of exemption from the nonprofit religious employer,] [t]he issuer would automatically enroll plan participants and beneficiaries in a separate individual health insurance policy that covers recommended contraceptive services. The Departments envision that the issuer would ensure that contraceptive coverage for plan participants and beneficiaries is effective at the beginning of the plan year of their group health plan, to the extent possible, to prevent a delay or gap in contraceptive coverage. The eligible organization [the employer] would have no role in contracting, arranging, paying, or referring for this separate contraceptive coverage. Such coverage would be offered at no charge to plan participants and beneficiaries, that is, the issuer would provide benefits for such contraceptive services without the imposition of any cost sharing requirement (such as a copayment, coinsurance, or a deductible), premium, fee, or other charge, consistent with section 2713 of the PHS Act.

I think the operative word here is ?offer.? The fact that an employee is automatically enrolled is an administrative action, not a coerced repudiation of *Humanae Vitae*.

Just because something is ridiculous does not mean that it is not interesting. Here is an instance when someone read the relevant passage of the new rule and discerned not a legal argument but a political one. Here is evidence of someone ? or some people ? who are doing everything they can to find a way to shoot down the prospect of any compromise with the administration. Here is evidence of that desire trumping better judgment, resulting in an argument that is ridiculous. Archbishop Lori?s letter, then, is more revealing about Archbishop Lori and his advisers than it is about the HHS mandate.

I know that Cardinal Dolan has a lot on his plate these days. Hell, he has a lot on his plate all days, but with the conclave nearing, his schedule is especially tough, as are the schedules of the other American cardinals. They may not have time to look at some of the shenanigans that are going on in the name of the USCCB. Fair enough. Then, I suggest that before heading to Rome, the cardinals ask Archbishop Lori and the other zelanti among the bishops to abstain from commenting on this delicate matter. Certainly, the entire tone of Archbishop Lori?s letter is quite different from the tone of Cardinal Dolan?s statement and subsequent qualification of that statement, pledging to work with the administration. Besides it is Lent. Mightn?t it have occurred to someone to suggest giving up politics for Lent?

The issue of religious liberty is important. It is especially important for those of us on the political left to

recognize its importance and not to claim that because the changes in the mandate are beneficial we need not be worried about religious liberty ever again. There are powerful interests, ideological and economic, who wish to minimize the influence of the Catholic Church not only in the political realm but in the provision of social services. But, the cause of religious liberty is not strengthened when it is made ridiculous, and I fear that Archbishop Lori is making it ridiculous in this letter to Congress. Bad enough that at his installation homily last year in Baltimore he neglected to preach Jesus Christ and Him crucified and, instead, preached James Madison and him justified. But, by listening only to those who have no desire nor interest in resolving the issue with the administration, Archbishop Lori is turning what should be a transcendent concern into a partisan one, and causing those who do not wish the Church ill to think there is now no point in even discussing these issue because His Grace of Baltimore will not be moved no matter what they do. If the issue of religious liberty is serious, and I believe it is, we need to address it seriously. Congress is not a cabaret.

Source URL (retrieved on *08/31/2015 - 10:35*): http://ncronline.org/blogs/distinctly-catholic/what-lori-talking-about

Links:
[1] http://www.usccb.org/issues-and-action/religious-liberty/conscience-protection/upload/Letter-from-Archbishop-Lori-to-Congress.pdf